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Minutes

BBRS Building Code Appeals Board (BCAB)

Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA

Meeting Date: March 18, 2014

Meeting Time: 9:30 a.m.

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1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

Board Members Present:

Harry Smith, Chairman
Alexander (Sandy) MacLeod
Kevin Gallagher

Board Members Not Present:

None

There were eight (8) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 1:00 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

Guests Present:

See sign-in sheet for each case.

2. March 6, 2014 meeting minutes approved.
3. **Case Number:** 14-1357
Appellant: Ms. Sara Lavado
Address of Property: 6-12 Summer Street, Boston
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 3203.3.1 relative to restoring the canopy of an historic building back to its original look. Section 3203.3.1 states that awnings, canopies and marquee signs shall not extend into more than two-thirds of the sidewalk width below. The appellant requested relief from the section to allow the historic canopy to extend beyond this limit as originally designed.

List of Exhibits:

Exhibit 1. The application dated February 3, 2014.

Exhibit 2. A letter from the City of Boston Environment Department dated February 3, 2014, (1 page).

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant the requested variance** noting that the sign is historic in nature and has been in existence for a period of time without posing a hazard.

4. **Case Number:** 14-1358
Appellant: Douglas Anderson
Address of Property: 21 Drydock Avenue, Boston
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 706.1.1 wherein the appellant sought relief from opening restrictions in party walls. The appellant noted that each building (21 and 25 Drydock Avenue) is equipped with separate utilities, fire alarms and sprinklers.

List of Exhibits:

Exhibit 1. The application dated January 28, 2014.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Section 706.1.1** to allow the requested openings, noting that each building is suitably equipped with fire safety protection equipment.

5. **Case Number:** 14-1351
Appellant: Douglas Anderson
Address of Property: 401 - 403 D Street, Boston
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 1028.2 wherein the appellant sought relief from the 72" egress width dimension requirements in a Use Group A-2nc for a night club located on the 14th (top) story of the building. The appellant noted that the building is constructed to Type IB requirements as defined by the code and is equipped with suitable fire protection safety equipment as required by the code. The appellant noted that the code does not specify whether the 72" dimension is required for A2nc uses above ground level.

List of Exhibits:

Exhibit 1. The application dated February 24, 2014.

Exhibit 2. A letter and accompanying documents from Robert Carasitti P.E. and Walter Dow, P.E. from Commercial Construction Consulting date February 24, 2014, revised March 17, 2014 (4-pages).

Exhibit 3. A letter from Bart Shea, Fire Marshal for the City of Boston, dated March 17, 2014 (1-page).

Exhibit 4. A copy of 780 CMR 1028.2 as amended in the Eighth Edition (1-page).

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **deny a variance to Section 1028.2** to allow the requested reduced opening dimensions, noting that lessons learned from history demonstrates that patrons head towards the main entrance during emergency situation and sufficient egress width must be provided to accommodate.

6. **Case Number:** 14-1352
Appellant: Douglas Anderson
Address of Property: 565 Newbury Street, Boston
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*); Sections 705.8 wherein the appellant sought relief from opening restrictions in an exterior wall where the fire separation distance is less than 3 feet from a property\lot line. The appellant noted that the subject building equipped with suitable fire protection equipment and there is an historic deed restriction which requires the alley between the neighboring structure to remain open and clear.

List of Exhibits:

Exhibit 1. The application dated February 3, 2014.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant a variance to Section 705.8** to allow the requested openings, noting that the subject building is suitably equipped with fire safety protection equipment.

7. **Case Number:** 14-1353
Appellant: Douglas Anderson
Address of Property: One Design Center, Boston
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 706.1.1 wherein the appellant sought relief from opening restrictions in party walls. The appellant noted that each building (One Center Design and 25 Drydock Avenue) is equipped with separate utilities, fire alarms and sprinklers.

List of Exhibits:

Exhibit 1. The application dated January 28, 2014.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Section 706.1.1** to allow the requested openings, noting that each building is suitably equipped with fire safety protection equipment and is constructed to meet Type IA construction classifications as prescribed by the code.

8. **Case Number:** 14-1354
Appellant: Douglas Anderson
Address of Property: 498 - 528 Commonwealth Avenue, Boston
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*); Sections 705.8 wherein the appellant sought relief from opening restrictions in an exterior wall where the fire separation distance is less than 3 feet from a property\lot line. The appellant noted that the subject building equipped with suitable fire protection equipment

and there is an historic deed restriction which requires the alley between the neighboring structure to remain open and clear.

List of Exhibits:

Exhibit 1. The application dated February 3, 2014.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant a variance to Section 705.8** to allow the requested openings, noting that the subject building is suitably equipped with fire safety protection equipment and the subject constructed to meet Type IIA construction classifications as prescribed by the code.

9. **Case Number:** 14-1355
Appellant: Douglas Anderson
Address of Property: 43 Central Square, Lynn
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 706.1.1 wherein the appellant sought relief from opening restrictions in party walls. The appellant noted that the subject building (The Raw Arts Project) is equipped with appropriate fire alarms and sprinklers acceptable to both Lynn building and fire services.

List of Exhibits:

Exhibit 1. The application dated January 21, 2014.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Section 706.1.1** to allow the requested openings, noting that each building is suitably equipped with fire safety protection equipment and is constructed to meet Type IB construction classifications as prescribed by the code with a business occupancy.

10. **Case Number:** 14-6
Appellant: Douglas Anderson
Address of Property: 37 Central Square, Lynn
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 706.1.1 wherein the appellant sought relief from opening restrictions in party walls. The appellant noted that the subject building (The Raw Arts Project) is equipped with appropriate fire alarms and sprinklers acceptable to both Lynn building and fire services.

List of Exhibits:

Exhibit 1. The application dated January 21, 2014.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Section 706.1.1** to allow the requested openings, noting that each building is suitably equipped with fire safety protection equipment and is constructed to meet Type IIIB construction classifications as prescribed by the code with a business occupancy.

11. This meeting was adjourned at 1:00 p.m.